

# UTILITY PATENT APPLICATION TRANSMITTAL

Address to:	Attorney Docket No.	98-017-TAX
Box PATENT APPLICATION Assistant Commissioner for Patents Washington, DC 20231	Inventor(s) or Application Identifier: MARK A. BAKKE ET AL.	

1. This application entitled INTELLIGENT DATA STORAGE MANAGER is:
- A new application under 37 C.F.R. §1.53(b).
  - A  continuation  divisional or  continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No. 09/232,431 filed on January 15, 1999, entitled INTELLIGENT DATA STORAGE MANAGER.

Application elements and other attached papers:

2.  Specification (incl. Claims and Abstract) [Total Pages 14]
3.  Drawings ( informal  formal) [Total Sheets 2]
4.  Oath or Declaration
  - Newly-executed
  - Copy from a prior application (37 C.F.R. § 1.63(d))
5.  Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
  - ~~DELETE~~ the following inventor(s) named in the prior nonprovisional application:
   

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  - The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
   

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## CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this UTILITY PATENT APPLICATION TRANSMITTAL and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Express  
Mail Label No. EL348721345US

Stephanie Keff  
(Type or print name of person mailing paper)

Date of Deposit: 9/28/2001

Stephanie Keff  
(Signature of person mailing paper)

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7. Preliminary Amendment:

- a.  A Preliminary Amendment is attached.
- b.  Cancel in this application original claims 2, 3, 8 and 9 of the prior application before calculating the filing fee.
- c.  Please amend the specification by inserting before the first line  
the sentence:  
"This is a  
 continuation  
 divisional  
of copending application(s)  
 Serial number 09/232,431 filed on January 15, 1999.

d.  A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

8. Small entity status:

- a.  A small entity statement is attached.
- b.  A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c.  Is no longer desired.

9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	14-20 =		X 18.00	
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	8-3 =	5	X 80.00	\$400.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				270.00
			BASIC FEE (37 C.F.R. § 1.16(a))	710.00
		Total of above Calculations =		710.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28)				
Assignment Recordal Fee			40.00	
				TOTAL = \$1,100.00

10.  The Commissioner is hereby authorized to charge Storage Technology Corporation Deposit Account No. 19-4545 in the amount of \$1,100.00.

11.  The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Storage Technology Corporation Deposit Account No. 19-4545:

- a.  Fees required under 37 C.F.R. § 1.16.
- b.  Fees required under 37 C.F.R. § 1.17.

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12. Maintenance of Cendency of Prior Application

A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until \_\_\_\_\_

13.  An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:

a.  Form PTO/SB/08 ( \_\_\_\_ 1 \_\_\_\_ sheet(s))

b.  Copies of references cited

14.  Certified copy of priority document(s)

15.  Return Receipt Postcard

16.  Other: \_\_\_\_\_

17.  An Assignment of the invention to Storage Technology Corporation

a.  is attached.

b.  was recorded on January 15, 1999 at Reel 9721, Frame 0407.

18. The power of attorney in the prior application is to:

Name of Attorney of Record \_\_\_\_\_ Reg. No. \_\_\_\_\_

The power appears in the original papers in the prior application.

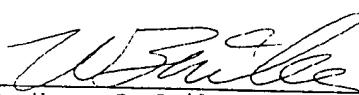
The power does not appear in the original papers, but was filed on \_\_\_\_\_

A new power has been executed and is attached.

19. Correspondence Address: Please address all future communications to:

Wayne P. Bailey  
Storage Technology Corporation  
One StorageTek Drive, MS-4309  
Louisville, Colorado 80028-4309  
Telephone: 303-673-5989; Fax: 303-673-4151

Respectfully submitted,

  
Name: Wayne P. Bailey  
Registration No.: 34,289

Attorney or agent of record  
 Filed under Rule 34(a)

Date: September 28, 2001

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*[Handwritten mark]*  
JC541 U.S. PTO  
**09/966263**



**09/28/01**

RECEIVED ON THE DATE STAMPED BELOW:  
Applicants: Bakke et al.

For: INTELLIGENT DATA STORAGE MANAGER

Please acknowledge receipt of the enclosed:

Transmittal (in duplicate) of continuation of prior application  
Serial No. 09/232,431 filed 1/15/99; Specification (14 pages);  
Drawings (2 pages); Declaration from prior application; Preliminary  
Amendment; Information Disclosure Statement; References  
cited; Acknowledgment of Receipt Card

Mailed: 9/28/001

StorageTek Docket #08-017-TAX

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BY FAX



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